

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
July 16, 2007**

The regular meeting of the Borough Council of the Borough of Rocky Hill was called to order by Mayor Edward Zimmerman at 7:30 PM followed by the salute to the Flag and a moment of silent meditation in memory of resident Leonard Steinline Sr.

NOTICE OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

The following statement was read into the record by Mayor Zimmerman: This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting was included in a list of meetings advertised in the December 16, 2006, edition of the Somerset Messenger Gazette and transmitted to the Courier News and Somerset Spectator. Notice has been posted accordingly and a copy of this notice is available to the public and is on file in the Office of the Borough Clerk.

ROLL CALL

Mr. Jim Banks-present, Mr. Brian Griner-present, Mr. William Hallman-present, Ms. Courtney White-present, Mr. Jared Witt-present.

Absent: Mr. Dan Harrington

Also present: Deputy Borough Clerk Raymond Whitlock, Borough Attorney Albert Cruz, Borough Engineer William Tanner

MAYOR'S COMMENTS

A speedy recovery was wished to Water Superintendent Larry Merk; appreciation was expressed to Councilwoman White and the Fire and Rescue Squads for the recent 4th of July event; the success of the Rocky Hill Cycling Classic event held on June 30th was acknowledged by the Mayor. Appreciation was extended to all Council members and others who were involved with the event. It was noted that there was no cost to the Borough and approximately \$3,000 will be received as a result of the fund raising. Tom Licker, Event Coordinator, was present and commented on the positive feedback received from the riders as well as the high ranking received to be received from the NJBA.

Resolution Nos. 2007-49 through 52 were read into the record by the Mayor acknowledging the following individuals, respectively, for their involvement with the event: Steve Seeley, Emergency Services Coordinator; Melissa Bernardi, Recreation Committee Chair; Janine LaCava, Financial Coordinator; Ted Merritt, Fund Raising Coordinator. Motion was made by Griner with a second by White to approve the resolutions as presented. Motion carried on roll call vote - all ayes.

APPROVAL OF MINUTES

Regular Minutes - June 18, 2007 - Motion was made by White with a second by Banks to approve the minutes as presented. Motion carried on roll call vote - all ayes.

REQUEST OF COUNCIL FOR NEW OR UNFINISHED BUSINESS (NOT ON AGENDA)

The following agenda item(s) were added under New Business:
- Scheduling of Fall clean-up

PUBLIC COMMENT

The floor was opened to the public for comments/questions:

Peggy Merritt, resident, was advised that the Bicycle Event raised \$5500 before expenses which should net approximately \$3,000 to be distributed to the fund raising organizations.

Hearing no other comments/questions, the floor was closed.

STATE POLICE REPORT

No report at this time.

ENGINEER'S REPORT

Engineer's Report dated July 14, 2007, for June 2007 was received and distributed (copy on file in Borough Clerk's Office).

Engineer Tanner advised that the restrooms at VanHorne Park should be installed and functional within 6-8 weeks; fertilizing of the park is underway; bids for Grove Street will be scheduled for award at the August meeting; Grant applications have been filed for the Bikeway Grant Program, NJDOT Centers of

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Place/Transportation Enhancement Grant. Local Aid grant application will be filed by August 9, 2007, for the repaving of Hickory Court and sidewalks on Washington Street. Authorization was made for the filing of the application by Engineer Tanner and endorsement of same by the Mayor via adoption of **Resolution**

2007-50. Motion was made by Witt with a second by Griner for the approval of the resolution. Motion carried on roll call vote - all ayes. The resolution will include the ranking of the projects in terms of priority as: 1) Hickory Court and 2) Sidewalks on Washington St.

Authorization was given to Engineer Tanner to solicit quotes for the fall brush pick-up and bids for the leaf removal. These items will be scheduled for possible award at the August meeting. Engineer Tanner will also speak to representatives from Franklin Township concerning shared services for leaf pick-up.

A draft Flood Damage Prevention Ordinance as recommended for adoption by FEMA was distributed by Engineer Tanner. Issues to be discussed are the designation of an Appeals Board and fines to be imposed. It was suggested that a fine "up to \$1250.00" should be considered and the Planning Board should be appointed as the Appeals Board. Engineer Tanner will forward the draft ordinance to Attorney Cruz for review and possible introduction at the next meeting.

Engineer Tanner provided an update on the recently attended Waste Water Management Plan Committee meeting held by Somerset County. The Borough's representatives on the Committee are Councilman Banks, Councilman Griner, Water Superintendent Merk and Engineer Tanner. Engineer Tanner advised that the Somerset County is requesting the involvement of all municipalities in a County Waste Water Management Plan as mandated by the State. Engineer Tanner does not believe that the Borough will have much involvement, however, he will attend the

next meeting. It was agreed that Engineer Tanner would be designated as the point person on this Committee and an appointing resolution as required will be prepared for the next meeting.

Other:

In regard to the status of the ARC parking lot, Councilman Griner was advised that ARC is currently looking for funding.

Engineer Tanner will address Councilman Hallman's request for a drain cover in the rear of Borough Hall grounds. Re-seeding by Jonico will be done in the fall on Montgomery Ave. per Engineer Tanner.

Councilwoman White noted that there are steel rods at VanHorne Park that should be removed. In response to questioning about the trash pick-up at the park, Engineer Tanner advised that he will contact Karen Zimmerman from Montgomery Township as to the status of the cleanup by their Public Works Department. In response to questioning by the Goldmans, residents across from Panicaro Park, as to whether the County would consider concreting a section of their sidewalk at the owner's expense, it was suggested by Engineer Tanner that the residents retain a private contractor in lieu of asking the County.

The floor was opened to the public for comments/questions. Hearing none, the floor was closed.

CHIEF FINANCIAL OFFICER'S REPORT

None at this time.

DEPARTMENTAL REPORTS

Tax Collector's Report - June 2007
Court Administrator's Report - June 2007

Motion was made by Banks with a second by Witt for the acceptance of the reports as submitted. Motion carried on roll call vote - all ayes.

APPROVAL OF VOUCHERS

Motion was made by Griner with a second by Witt for the approval of the bill list (attached as appendix). Motion carried on roll call vote - all ayes.

COMMITTEE REPORTS

Administration & Records - No report at this time.

Buildings & Grounds - No report at this time.

Finance & Insurance - No report at this time.

Public Safety & Emergency Services - Councilman Hallman advised that the Constables have been making their rounds; report from South Bound Brook Police of tickets issued has been received; there have been reported incidents of fireworks in the area; residents are urged to contact the NJSP when these incidents occur.

Streets & Roads -Steve Seeley of the Rescue Squad expressed concern with the lack of parking on Skillman Ave. for emergency personnel. Clarification of existing parking areas was provided to

Mr. Seeley and suggestion was made for the consideration of parking in the gravel area.

Discussion ensued regarding the existing ordinance regulations pertaining to overhanging tree foliage/brush relative to traffic safety and other street signs and sidewalks. It was agreed that the ordinance be modified to include that a 10 ft. clearance is required to be maintained from all sidewalks, traffic safety and other signs, and that all signs must be clear and visible. Attorney Cruz will draft an amendment to the ordinance for introduction at the next meeting. It was further agreed that the fines included in the ordinance will be amended to read, "each week is a separate offense at a fine of \$50.00 per week."

A list of areas that may need to be addressed by the County will be compiled by Councilwoman White.

Mayor Zimmerman and Deputy Clerk Whitlock will review the list to determine which areas are county properties.

Water, Sewer & Environmental Protection - Utilities report dated July 6, 2007 as provided by Superintendent Tim Lesko was summarized by Councilman Banks; in-kind replacement of the air stripper fans will be done shortly. Trimming of trees/brush on Young Dr. will begin on Wednesday.

Council Representative to the Planning Board - Meeting cancelled.

Council Representative to School Board - No report at this time.

Council Representative to Board of Health - No report at this time.

Zoning Official - Reported dated June 1, 2007, from Zoning Official Raffaelli was received and summarized by Mayor Zimmerman.

Grants Official - Councilman Hallman advised that he is reviewing the proposal for the services of a grant writer as previously discussed. He will follow-up at the next meeting.

SPECIAL BUSINESS

Public Hearing: Resolution 2007-45 - Annual Renewal of Alcoholic Beverage Control

License for 2007/08 - CAJO Enterprises /One 53 - Mayor Zimmerman recused himself from this matter; Council President Jared Witt presided. Borough Clerk Griffiths advised that the required tax clearance certificate has been received and action may be taken on the renewal of the license. It was also noted that an Ad Interim Permit for an extension through July 31, 2007, has been issued by the Division of Alcoholic Beverage Control. The floor was opened to the public for comments/questions. Hearing none, the floor was closed. Motion was made by Griner with a second by Hallman for the approval of the renewal of the license through June 30, 2008, along with the approval of Resolution 2007-45. Roll call: Banks-aye, Griner-aye, Hallman-aye, White-aye, Witt-aye. Motion carried.

Public Hearing: Ordinance #5, 2007 - "AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ROCKY HILL, SOMERSET COUNTY, NEW JERSEY, TO AMEND ARTICLE 5 AT SECTIONS 502.1(A) AND 507"

as filed in the Borough Clerk's Office was read by title. Proof of publication was received. Response to the introduction of the ordinance from Planning Board Chairman Pihokken was received. The Planning Board finds the amendment to be consistent with the Master Plan of the Borough. The floor was opened to the public for comments/questions. Hearing none, the floor was closed. Motion was made by Griner with a second by Witt for the adoption of the ordinance. Motion carried on roll call vote - all ayes.

Public Hearing: Ordinance #6, 2007 - "AN ORDINANCE AUTHORIZING THE LEASE RENEWAL OF CERTAIN MUNICIPAL LANDS AND BUILDINGS BEING THE SOUTH

ROOM ON THE FIRST FLOOR OF BOROUGH HALL, 15 MONTGOMERY AVE. IN THE BOROUGH OF ROCKY HILL, TO THE ROCKY HILL COOPERATIVE NURSERY SCHOOL/Second Amendment to Business Lease (Rocky Hill Cooperative Nursery School)” as filed in the Borough Clerk's Office was read by title. Proof of publication was received. Councilwoman White recused herself from this matter. The floor was opened to the public for comments/questions. Hearing none, the floor was closed. Motion was made by Hallman with a second by Griner for the adoption of the ordinance and execution of the lease agreement by the Mayor. Roll call: Banks-aye, Griner-aye, Hallman-aye, Witt-aye. Motion carried.

Resolution 2007-56 - Amendment to Capital Budget 2007 - VanHorne Park - Motion was made by Griner with a second by Banks for the adoption of the resolution amending the capital budget to include funding for Phase III of VanHorne Park. Motion to approve was made by Griner with a second by Banks. Motion carried on roll call vote - all ayes.

Introduction: Ordinance #7, 2007 - “AN ORDINANCE PROVIDING FOR THE CONSTRUCTION OF PHASE 3 OF PARK IMPROVEMENTS IN AND BY THE BOROUGH OF ROCKY HILL, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$75,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$70,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF” as filed in the Borough Clerk's Office was read by title. Motion to introduce was made by Witt with a second by Banks. Public Hearing scheduled for 8/20/07.

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Resolution 2007-57 - 2007 Salary Resolution - Motion was made by Witt with a second by Banks for the approval of the resolution as presented. Motion carried on roll call vote - all ayes.

COMMUNICATIONS:

Communications as listed on the agenda were disseminated and/or ordered filed.

- Letter addressed to Mayor Zimmerman dated July 11, 2007, from DEP, Re: FEMA Grant Program Fact Sheet was received;
- Letter addressed to Mayor dated July 6, 2007, from NJ General Assembly, Republican Office,
Re: Resolution of Opposition to sale of State assets was received.

UNFINISHED BUSINESS:

None at this time.

NEW BUSINESS:

Fall Clean-up Scheduling - It was agreed to request a fall clean-up date for the third Tuesday in October. It was also suggested that a fixed date (third Tuesday of May/October) be considered for future clean-up dates for better planning purposes for the residents. Request will be made for a

spring clean-up date for the third Tuesday in May 2008. Borough Clerk Griffiths will confirm the dates with Raritan Valley Disposal.

PUBLIC COMMENT

Peggy Harris, resident - Ms. Harris requested information on the projects planned to be done under the Athletic Recreation Grant. Mayor Zimmerman advised that Engineer Tanner would be able to provide this information, however, he offered that there has been discussion of possibly using the funds for various purposes to include but not limited to: soccer goals, a tennis practice area, flag pole, benches, new soccer/lacrosse nets, some type of fence/barrier at Panicaro Park. It was noted that this may be the last year for this grant. In response to whether new playground equipment would be considered, Mayor Zimmerman advised that the current equipment has been inspected and found to be in safe condition. Possible movement of the equipment away from Route 518 is under consideration but would be costly. Other grant opportunities will be looked into. In regard to whether funds are available in the Buildings and Grounds budget for the flag pole, Ms. Harris was advised that this item was budgeted for next year unless a grant opportunity becomes available in the mean time.

Peggy Merritt, resident - Ms. Merritt urged that any type of fencing/hedging that is installed at Panicaro Park should be kept low so that the children are visible. Ms. Merritt further commented that the flag pole and lighting should be an important consideration as this is a town focus.

ADJOURNMENT:

Motion to adjourn the meeting at 9:00PM was made by Griner with a second by White.
Motion carried on voice vote - all ayes.

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk